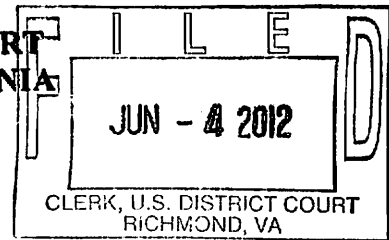


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



MARY ANN SMELSER KOONCE,

Plaintiff, *pro se*,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

Civil Action No. 3:12cv256-JAG

REPORT AND RECOMMENDATION

This matter is before the Court for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) on Defendant's Motion to Transfer (ECF No. 5). Plaintiff Mary Ann Smelser Koonce seeks judicial review pursuant to 42 U.S.C. § 405(g) of the final decision of Defendant Commissioner denying her application for Supplemental Security Income payments ("SSI"). Defendant challenges whether venue lies in this Court and moves for transfer.

Section 405(g) specifically provides that actions seeking judicial review of the Commissioner "shall be brought in the district court of the United States for the judicial district in which the plaintiff resides." 42 U.S.C. § 405(g). Under this Court's local rules, this District is subdivided into four divisions: the Alexandria Division; the Newport News Division; the Norfolk Division; and, the Richmond Division. E.D. Va. Loc. R. 3(B)(1)-(4). "Civil actions for which venue is proper in this district shall be brought in the proper division as well." E.D. Va. Loc. R. 3(C).


Here, Plaintiff resides in Stafford County, Virginia. Under E.D. Va. Loc. R. 3(B)(1), the Alexandria Division is the proper venue for actions arising in Stafford County. Although Plaintiff contests transfer on the grounds that an unidentified individual advised that she should file her case

in the Richmond Division, the Alexandria Division is clearly the proper venue for her case. Any inaccurate guidance notwithstanding, her case must be heard in the Alexandria Division. Accordingly, the Court recommends that Defendant's Motion to Transfer be granted and that this case be transferred to the Alexandria Division forthwith.

Let the Clerk forward a copy of this Report and Recommendation to the Honorable John A. Gibney and transmit a copy to Plaintiff at her address of record.

NOTICE TO PARTIES

Failure to file written objections to the proposed findings, conclusions and recommendations of the Magistrate Judge contained in the foregoing report within fourteen (14) days after being served with a copy of this report may result in the waiver of any right to a *de novo* review of the determinations contained in the report and such failure shall bar you from attacking on appeal the findings and conclusions accepted and adopted by the District Judge except upon grounds of plain error.

_____/s/ 
David J. Novak
United States Magistrate Judge

Richmond, Virginia
Date: June 4, 2012